



Explanatory Leaflet for Form EUTR2

Please read the information below carefully before you submit your application

Who is this form for?

This form is to be completed by an EEA national or United Kingdom national who wishes to apply for Permanent Residence, having resided in the Republic of Ireland (the “State”) for

(1) a continuous period of five years or more while engaged in employment, self-employment, the pursuit of a course of study, involuntary unemployment, or the possession of sufficient resources under the European Communities (Free Movement of Persons) Regulations 2015, as amended, or the European Union (Withdrawal Agreement) (Citizens’ Rights) Regulations 2020

or

(2) a continuous period of more than three years in the following circumstances:-
a. the EEA national or United Kingdom national has reached pensionable age, as defined by the Social Welfare Acts, or has taken early retirement,
and
b. at the time of reaching pensionable age or taking early retirement, the EEA national or United Kingdom national has resided continuously in the State for more than three years and has been engaged in employment or self-employment in the State for at least the previous twelve months.

or

(3) a continuous period of more than two years if the EEA national or United Kingdom national has ceased to be engaged in employment or self-employment in the State as a result of permanent incapacity for work

or

(4) a continuous period for less than five years if the EEA national or United Kingdom national has been permanently incapacity from work as a result of an accident at work or an occupational illness entitling the EEA national or United Kingdom national to a pension or other benefit payable in whole or in part by the State.

A non-EEA national family member of an EEA or United Kingdom national should not submit their application for Permanent Residence Card on Form EUTR2 but instead should apply on the relevant form (Form EUTR3) which is available on the Immigration Service Delivery (ISD) website at <https://www.irishimmigration.ie>

What is the relevant legislation?

Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (the "Directive") is given effect in Ireland by the European Communities (Free Movement of Persons) Regulations 2015, as amended. The Directive and the Regulations of 2015 apply to citizens of the European Union, citizens of EEA Member States and citizens of Switzerland who move to or reside in a Member State other than that of which they are a national, and to their family members who accompany or join them.

Under Regulation 14 of the Regulations of 2015, an EEA national who is entitled to remain permanently in the State as an EEA national may apply to the Minister for Justice for a permanent residence certificate. An EEA national must conform with the provisions of Regulation 12 or Regulation 13 of the Regulations of 2015 to obtain a right to permanent residence in the State.

The Citizens Rights entitlements guaranteed to United Kingdom nationals and their family members are given effect in Ireland under the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020.

Under Regulation 10 and 11 of the Regulations of 2020, a United Kingdom national who is entitled to remain permanently in the State as a United Kingdom national may apply to the Minister for Justice for a permanent residence document. A United Kingdom national must conform with the provisions of the Regulations of 2020 and the Regulations of 2015, where applicable, to obtain a right to permanent residence in the State.

What does exercise of rights mean?

An EEA or United Kingdom national residing in the State exercises their rights under the relevant Regulations and the Directive by engaging in one or more of the following activities, as outlined in Regulation 6(3)(a) of the Regulations of 2015. These details must be provided in Sections 3 and 4 of the application form.

A. Employment

Where the EEA national is working for an employer in the State. This may include vocational training programmes and some non-proprietary directors of a registered company.

B. Self-employment

Where the EEA national is a sole trader, engaged in a business partnership, or is a proprietary director of a registered company operating in the State.

C. Involuntary unemployment

Where the EEA national has been employed in the State for more than one year but has become involuntarily unemployed, and has registered as a job seeker with a relevant office of the Department of Social Protection.

D. Residing with sufficient resources

Where the EEA national has sufficient resources to maintain themselves and any dependents in the State and is in possession of comprehensive sickness/health insurance cover in respect of themselves, their spouse and any dependents. A person residing on this basis must have

sufficient resources such that they would not become a burden on the social assistance system of the State.

E. Pursuing a course of study

Where the EEA national is engaged in a course of study with a qualifying and recognised educational institute or college in the State and is in possession of comprehensive sickness/health insurance cover in respect of themselves, their spouse and any dependents. A person residing on this basis must have sufficient resources such that they would not become a burden on the social assistance system of the State.

I have resided in the State for more than five years but not for a continuous period. Does this mean I am not entitled to permanent residence?

Under the Regulations of 2015, continuous residence in the State shall not be affected by the following:-

- temporary absences not exceeding six months in a twelve month period;
- absences of a longer duration for compulsory military service;
- one absence of a maximum of twelve consecutive months for important reasons such as pregnancy, childbirth, serious illness, study or vocational training, or a posting in another Member State or in any other country.

What should I do if there is a change in my circumstances?

If you have a change in circumstances while your application is being processed, for example:

- If you change your personal details (your name, your family status, your nationality or your passport validity)
- If your contact details change (your address or representative)
- If there is a change in your activity or employment

you must inform EU Treaty Rights Division in writing immediately either at the address below or by email to eutreatyrights@justice.ie and provide any relevant supporting documentation. Failure to do so may result in your application being refused. Please include your Person ID and your Application Reference on any written communication.

The onus is on an applicant to keep EU Treaty Rights Division updated regarding his/her circumstances and to submit any relevant supporting documents in relation to new circumstances. Any person seeking to assert rights or entitlements under the Regulations is under an obligation to ensure that they comply with all appropriate provisions of the Regulations. Failure to comply may result in the person being guilty of an offence as provided for in Regulation 30 of the Regulations of 2015 and Regulation 21 of the Regulations of 2020, and that person may be liable to the sanctions set out therein.

When will I get a decision on my application?

It may take up to six months for an application decision to be reached. Applications are processed in chronological order of the date of receipt.

How to complete this form?

- Please complete this form in CAPITAL letters
- Please ensure to leave a space between each word
- Place a tick (✓) in the boxes that are relevant to the application
- Complete in full all relevant sections of this form
- Please ensure that all required documents are submitted with the application form.
- Submit photocopies of supporting documents. Please refer to the section below titled “*What documentation is required to support an EUTR2 application*”. **No original documents should be sent with an application form**
- If unable to provide any of the information requested at this time, please explain the reason in writing and enclose with the application form
- The Data Privacy Notice on pages 3 to 6 must be signed and dated by an applicant.

Completed application form and any supporting documents should be sent to the address below

**Permanent Residence
EU Treaty Rights Division
Immigration Service Delivery
Department of Justice
13/14 Burgh Quay,
Dublin 2, D02 XK70**

- An application may be delayed if it is not sent to the address listed above
- We recommend that applications are sent by Registered Post
- Applications sent by registered post can be tracked on the An Post website, www.anpost.ie

The onus is on an applicant to submit the necessary evidence to support an application. A decision will be made on the application based on the information contained in the application form and the supporting documents submitted. No further information or documentation may be requested.

Outline of Form EUTR2

- Data Privacy Notice on pages 3 to 6.
- Section 1 - Applicant identity and contact details on pages 7 to 8
- Section 2 - Applicant residence history in the State on pages 9 to 11
- Section 3 - Applicant current or most recent activity/exercise of rights on page 12
- Section 4 - Applicant's previous activity/exercise of rights in the State on pages 13 to 14
- Section 5 - Applicant immigration history and details of criminal history on pages 15 to 19
- Section 6 - Document checklist on pages 20 and 21
- Section 7 - Applicant Declaration on page 22

What is the Data Privacy Notice and why do I have to sign it?

All information provided will be treated in confidence but may be disclosed to other Government Departments, agencies, the Garda Síochána, local authorities, foreign governments or other bodies under Section 8 of the Immigration Act 2003 and Regulation 26 of the European Communities (Free Movement of Persons) Regulations 2015, as amended, for purposes connected to the application.

Both the Directive and the relevant Regulations allow for extensive examination of the personal circumstances of applicants. EU Treaty Rights Division requires the information requested in the application form to assist in conducting a full and complete examination of an application.

EU Treaty Rights Division fully respects an applicant's right to privacy. Personal details will be treated with the highest standard of security and confidentiality and strictly in accordance with appropriate Data Protection legislation.

An applicant does not have to provide the information requested by EU Treaty Rights Division. However failure to provide some or all of the required information and/or documentary evidence requested by EU Treaty Rights Division may have an adverse effect on the outcome of an application.

Section 1 Applicant details

This Section relates to the applicant's personal details including identity details, contact details and relationship details and must be completed fully.

This Section also looks for details of your spouse or partner, if applicable (see Q 1.17). **Annex C** which can be found on EU Treaty Rights web page should also be completed and submitted with the application form, if applicable.

Section 2 Continuous residence in the State for 5 years

In this section, the applicant must provide details of current and previous addresses lived at in the State during the continuous period of five years. This includes addresses lived at for only a short period and there should be no gaps in the dates provided. Start with the current or most recent address and work backwards. If additional space is needed, **Annex A** (available on EU Treaty Rights web page) can be completed and enclosed with the application form.

Section 3 Current activity in the State

This section asks for details relating to the activities of the applicant in Ireland under Regulation 6 of the Regulations of 2015.

The applicant is asked to specify how they are currently exercising their EU Treaty rights in Ireland or the most recent exercise of rights activity in Ireland such as employment, self-employment, study, involuntary unemployment or residing in the State with sufficient resources.

Section 4 Activities in the State for a continuous 5 year period

This section asks the applicant for details of all previous exercise of rights activity in Ireland for the continuous period of five years – for example, through employment, self-employment, study, involuntary unemployment or residing in the State with sufficient resources or a combination of more than one activity. Start with the most recent activity and work backwards.

Details of activity refers to the name and address of the workplace, business, college or, in the case of involuntary unemployment or residing with sufficient resources for the period concerned, details of the type of social welfare payment received or source of sufficient financial resources such as pension, etc. Documentary evidence must be submitted in respect of each activity listed.

If additional space is needed, **Annex B** (available on EU Treaty Rights web page) can be completed and enclosed with the application form. All completed sections must be enclosed with Form EUTR2.

Section 5 Personal History of the applicant

This Section asks about any criminal convictions an applicant may have in Ireland or in any other country as well as about any involvement in war crimes, genocide, crimes against humanity or terrorism. This Section also looks for details of the applicant's travel history as well as details of any immigration permission denied or removal/exclusion from Ireland or any other country.

The information requested in this section is not limited to the period that an applicant has held Union citizenship or United Kingdom citizenship.

If additional space is required, the relevant section(s) can be copied and all completed sections enclosed with Form EUTR2.

Failure to answer all of these questions as fully and accurately as possible may result in an application being refused. It is an offence under Regulation 30 of the European Communities (Free Movement of Persons) Regulations 2015 and Regulation 21 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 to make a statement that is known to be false or misleading.

Section 6 Document Checklist

This section outlines a checklist of documentation that may be submitted as evidence of residence and activity in Ireland for a continuous period of five years. Unless otherwise specified, original documents should not be submitted. Photocopies of the documents listed is sufficient.

Identity documents and civil certificates should be photocopied in colour and photocopies should include all pages (including blank passport pages).

If an applicant wishes to submit any documents that are not in English, the document must be translated by a qualified professional translator. The translator must confirm in writing on the translation

- that the translation is a true and accurate translation of the original document
- the date of the translation
- the full name and contact details of the translator or representative of the translation company

A photocopy of the original document must be submitted with the certified translation of the document.

Multilingual standard forms of certain public documents, civil certificates issued within the European Union may be available without the necessity to obtain a certified translation. For further details, visit the following webpage:- https://e-justice.europa.eu/551/EN/public_documents

An applicant should complete the checklist in this Section to show what documents are being submitted with the application by placing a tick (✓) in the boxes that are relevant.

Immigration Service Delivery will not provide written correspondence acknowledging each document submitted with an application

A decision may be made on the application based on the information in the application form and any supporting documents submitted with the form.

Section 7 Declaration

An applicant must read the Declaration before signing and dating the declaration. The Declaration cannot be signed by a representative of the applicant or some other person acting on the applicant's behalf.

If an applicant is under 18 years of age, the Declaration may be signed by the applicant's parent or guardian.

If the Declaration is submitted unsigned, the Declaration will be returned to the applicant and the application will not progress further until the signed and dated Declaration is received as appropriate.

What documentation is required to support an EUTR2 application?

When submitting documents please note the following:

- All documents submitted must be **photocopies** unless otherwise specified during the application process or in the list of documentation below.
- Photocopied pages of multiple-page documents should be stapled together.
- Passports or National Identity Cards should be photocopied in colour, and photocopies should include **all** pages of the passport including blank pages.
- Other documents can be submitted as colour or as black-and-white photocopies.
- Civil certificates (e.g. marriage certificates and birth certificates) should be photocopied in colour and should include any Apostilles or legalisation stamps. Copies of translations of documents should also be supplied where appropriate.
- Documents that are not in English must be accompanied by a certified translation. Multilingual standard forms of certain civil certificates issued within the European Union may be available without the necessity to obtain a certified translation. For further details, visit the following webpage:- https://e-justice.europa.eu/551/EN/public_documents
- Do not submit documents that have not been requested.
- Please note that the list below is not exhaustive and further documentation may be requested.

(a) Evidence of identity

- A valid passport or National Identity Card (colour photocopy of all pages including blank pages)
- Two passport-size photos (signed on back)

(b) Evidence of residence in the State for a continuous period of five years

For each residential address while renting, copies of the following documents:

- Letter from landlord/letting agency including contact details
- Tenancy agreement
- Letter from local authority or County Council
- Letters of Registration of Tenancy from the Residential Tenancies Board
- Utility bills in your name
- Bank statements showing rental payments
- Evidence of rental payments

For each residential address as a home-owner, copies of the following documents:

- Letter from mortgage provider, local authority or County Council
- Title or deeds as applicable
- Utility bills in applicant's name

Other evidence of residence may be considered if deemed satisfactory. If not renting or a homeowner, then the person an applicant is living with should provide the above documents with a written declaration of your residence from the landlord or homeowner in addition to any other evidence of your residence.

(c) Evidence of activity in the State for a continuous period of five years

For each period of employment, copies of the following documents:

- Letter from employer setting out terms and conditions of employment with full contact details
- Contract (current) of employment setting out terms and conditions of employment
- Two recent payslips
- P60 certificate(s) or Employment Detail Summary (available to employees through Revenue MyAccount service) for a continuous five-year period
- Corresponding bank statements to show evidence of earnings

For each period of self-employment, copies of the following documents:

- Agreed Tax Assessment from the Revenue Commissioners for the last financial year (if applicable) **or** Letter of Registration for Self-Assessment (Income Tax) from the Revenue Commissioners
- Companies Registration Office certificates (if applicable)
- Receipts issued for sales or services for the business in the last six months
- Corresponding bank statements for the business for six months for the continuous five-year period (if applicable)

For each period of involuntary unemployment, copies of the following documents:

- Current letter from Department of Social Protection with details of any benefits that have been or are being received
- Letter from the employer(s) concerned outlining circumstances of redundancy
- P60 certificate or Employment Detail Summary (available to employees through Revenue MyAccount service) for the relevant period(s)
- P45 or Employment Detail Summary (available to employees through Revenue MyAccount service) for last employment

For each period of residing with sufficient resources, copies of the following documents:

- Evidence of financial resources and corresponding bank statements for the period concerned
- Evidence of the source of funds (e.g. pension, financial investments)
- Current letter from Department of Social Protection, with details of any benefit claims, **or** stating that there are no claims (as applicable)
- Letter from private medical insurance provider for you, your spouse and any dependants
- Copy of private comprehensive health insurance policy for the relevant period(s)
- Evidence of payment of private comprehensive health insurance policy for the relevant period(s)

For each period of study, copies of the following documents:

- Letter from the course provider including course description, start date and completion date
- Certificate or graduation letter
- Letter from private medical insurance provider for you, your spouse and any dependants
- Copy of private comprehensive health insurance policy for the relevant period(s)
- Evidence of payment of private comprehensive health insurance policy for the relevant period(s)
- Evidence of financial resources and corresponding bank statements during the period of study

If there has been a cessation of activities, copies of the following documents for each period of cessation of activities:

- Documentary evidence of cessation of employment or self-employment
- Letter outlining the circumstances of cessation of activities
- Evidence of receipt of a State pension (contributory or non-contributory)

- Details of any allowance, benefit or supplement for any disability injury or illness (as applicable)

(d) Supplementary details, if applicable

- Annex A (if applicable) for additional previous address details
- Annex B (if applicable) for additional previous activity details
- Annex C (if applicable) for details of spouse or civil partner of applicant (see Q. 117)

Note: If an applicant cannot supply some or all of the required documentation above, a written statement explaining why should be included with the application. Provision of some or all of the above documentation is not a guarantee of a successful application.